

REMARKS

The present amendment is submitted in response to the Office Action dated December 19, 2007, which set a three-month period for response, making this amendment due by March 19, 2008.

Claims 1-11 are pending in this application.

In the Office Action, claim 5 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 10 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP 62-74448 to Kitamura. Claims 1-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP 02-120205 to Mizuno et al in view of JP 63-049249 to Yoshioka et al and JP 06-227801 to Tanizaki et al. Claims 10 and 11 were further rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuno in view of Yoshioka et al, Tanizaki et al and EP 0 275549 to Szydlowski et al.

In the present amendment, claim 5 has been amended to address the rejection under Section 112, second paragraph.

To more clearly define the present invention over the newly cited references, claim 1 has been amended to clarify that the flow of matter (4) containing hydrocarbons is converted in the first converter first and in the second converter further to a hydrogen-enriched fluid flow.

Claims 10 and 11 were amended to adopt similar language as claim 1, as well as language previously added by amendment to claim 1.

In addition, new claim 12 has been added, which depends from claim 1 and defines that the flow of matter (4) flows in the first converter in a counterflow direction relative to the flow of matter (4) in the second converter.

The primary reference to Mizuno discloses a reformer comprising several converters. The flow of matter passes one of these converters and leaves the reformer. Mizuno fails to teach that the flow of matter can pass two converters successively.

In addition, Mizuno does not teach that the flow of matter can flow in different directions.

Likewise, neither of the other references, Yoshioka and Tanizaki, cited in combination with Mizuno to support the rejection of claim 1 under Section 103, discloses that the flow of matter passes two converters successively AND that the flow of matter can flow in different directions.

Since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a *prima facie* case of obviousness as clearly set forth in MPEP section 2143.01. Please note also that the modification proposed by the Examiner would change the principle of operation of the prior art, so that also for this reason the references are not sufficient to render the claims *prima facie* obvious (see the last paragraph of the aforementioned MPEP section 2143.01). When establishing obviousness under Section 103, it is not pertinent whether the prior art device possess the functional characteristics of the claimed invention, if the reference does not describe or suggest its structure. *In re Mills*, 16 USPQ 2d 1430, 1432-33 (Fed. Cir. 1990).

The application in its present condition is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any comments or suggestions, or wish to discuss the merits of the application, the undersigned would very much welcome a telephone call in order to expedite placement of the application into condition for allowance.

Respectfully submitted,



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